

REMARKS

Applicants reply to the final Office Action mailed November 28, 2006, within 6 months, so Applicants request a three-month extension and authorize the appropriate fee. Claims 1, 3-8, and 12 were pending. The Examiner had rejected claims 1, 3, 5 and 7: Applicants have amended claim 1, cancelled claims 4, 6, 8 and 12, and added claims 13-33. Applicants respectfully request reconsideration of pending claims 1, 3, 5, 7 and 13-33 in light of the following remarks.

A. Priority

Applicants submit herewith certified copies of the 02405885.1 and 02405884.4 applications filed in the European Patent Office on October 15, 2002 in accordance with the requirements of 35 U.S.C. 119(b).

B. Claim Rejections -- 35 U.S.C. § 102

Claims 1, 3, 5 and 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,196,371, issued to van Berkel ("van Berkel"). Applicants respectfully disagree with the Examiner.

Claim 1 includes the limitation of "a body having a first longitudinal edge, and a blade." Van Berkel does not include this limitation. The Examiner states that van Berkel discloses a food cutting device as claimed including a body (2) having a longitudinal edge and a blade (3). Thus, in essence, the Examiner states that the carriage (2) includes the rotary knife (3). Applicants respectfully disagree and traverse the above rejection. In contrast, van Berkel includes a stationary base (1), a carriage (2), and rotary knife (3). As stated in the specification of van Berkel, the rotary circular knife (3) is journaled at one side of the base (1) and the carriage (2) is slidably coupled with the base (1) such that the carriage (2) can be reciprocated

past the knife (3). See Col. 2, lines 28-35. In other words, the knife (3) is coupled with the base (1) and the carriage (2) moves with respect to the knife (3) and base (1). Thus, the body/carriage (2) of van Berkel does not include the knife/blade (3).

Thus, Applicant contends that the claims are patentable over van Berkel in that van Berkel fails to teach, "a body having a first longitudinal edge, and a blade" as recited by claim 1. As the Examiner is well aware, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, the body (2) of van Berkel does not include the blade (3) and, thus, van Berkel does not include all the limitations of claim 1.

Therefore, for at least the reasons stated above claim 1 is believed to be in condition for allowance and it is requested that the rejection of the claim be withdrawn. As claims 3, 5 and 7 depend from independent claim 1, these claims are also believed to be in the condition for allowance, at a minimum, by virtue of their dependence from an allowable base claim

Additionally, the Examiner noted that claims 4, 6, 8, and 12 were objected to as being dependant upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base clam and any intervening claims. As such, Applicants have added claim sets 13-19, 20-26, and 27-33 to incorporate various combinations of the allowable claims. Specifically, Applicants add claims 13-19 to incorporate the allowable subject matter of claim 4. Further, Applicants add claims 20-26 to incorporate the allowable subject matter of claim 6. Still further, Applicants add claims 20-26 to incorporate the allowable subject matter of claim 12. Further, no new matter has been introduced by these new claims. Therefore, Applicants respectfully request allowance of pending claims 1, 3, 5, 7 and 13-26.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that all of the currently pending claims properly set forth that which Applicants regard as their invention and that these claims are allowable as indicated by the Examiner over the cited prior art.

Accordingly, Applicants respectfully request allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6226 at the Examiner's convenience, if that would help further prosecution of the subject Application. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

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By: _____

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